

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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HISHAM A. KHALEEL,

Plaintiff,

- against -

JOHN E. POTTER, Postmaster General,

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05 CV 1547 (ARR)(LB)

NOT FOR ELECTRONIC OR
PRINT PUBLICATION

OPINION AND ORDER

ROSS, United States District Judge:

Following issuance of an opinion and order of today's date (1) denying plaintiff's April 13, 2006 request for a preliminary injunction, (2) denying reconsideration of the court's prior affirmance of Judge Bloom's April 4, 2206 discovery order, and (3) affirming Judge Bloom's April 12, 2006 discovery order, this court received copies of a series of applications by plaintiff dated April 14, 2006. These applications essentially seek reconsideration and reargument of all prior court orders and assertedly submit further support for the preliminary injunction motion that the court has just denied.

All of plaintiff's April 14, 2006 applications are denied. The court requests, however, that Judge Bloom make one, final effort to reschedule discovery in this case, including any necessary document production and plaintiff's previously noticed deposition, on the understanding that plaintiff has now been warned many times that failure to comply with Judge Bloom's correct and unambiguous discovery rulings, all of which have been affirmed by this court, will result in severe sanctions, which may well include dismissal of plaintiff's lawsuit with prejudice.

Plaintiff's papers make repeated references to a separate lawsuit in this court that do not

pertain to this case. They also refer to a tape recorded telephone conversation between plaintiff and defendant's counsel that was apparently never brought to the attention of Judge Bloom and may not, therefore, properly be considered by this court at this time. Nothing in plaintiff's most recent submissions warrants reconsideration of the court's prior orders. Insofar as plaintiff complains that this court failed to review the merits of Judge Bloom's initial order dated October 25, 2005, plaintiff is referred to this court's Opinion and Order of April 17, 2006 affirming all components of that order, prior to which the court explained the delay in an Opinion and Order dated April 13, 2006. As of this time, all of Judge Bloom's orders have been reviewed and affirmed. Plaintiff has expressed no reason why reconsideration is warranted, nor has plaintiff advanced any reason why this court's determinations were wrong on the merits.

As clearly expressed in the prior order of today's date, plaintiff must comply with the clear orders of Judge Bloom, all of which have now been affirmed by this court and thus become direct orders of this court. Motions for "restraint" or reconsideration of these orders have also been denied and may not again be renewed. Plaintiff may not seek interlocutory review to the Second Circuit Court of Appeals from any of these discovery orders. He will have an opportunity for further review of these rulings should he appeal from a final judgment entered by this court at the end of the lawsuit.

It is requested that Judge Bloom enter final, adjourned dates for completion of various matters of discovery previously ordered. Plaintiff has been warned on several occasions and is now responsible for understanding that failure to adhere to Judge Bloom's final schedule of due dates for matters of discovery previously ordered and affirmed will result in severe sanctions, and may well result in dismissal of his lawsuit with prejudice.

For the foregoing reasons, plaintiff's applications are denied and it is requested that Judge Bloom issue a final schedule of dates on which previously ordered discovery must be completed. Any further discovery disputes must be raised before Judge Bloom.

SO ORDERED:

Dated: Brooklyn, New York
April 18, 2006

Allyne R. Ross
United States District Judge

SERVICE LIST:

Plaintiff

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cc: U.S. Magistrate Judge Lois Bloom